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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,310	03/13/2001	Kannan Srinivasan	696.004	1781

35195 7590 07/08/2004

FERENCE & ASSOCIATES
400 BROAD STREET
PITTSBURGH, PA 15143

EXAMINER

JACKSON, BLANE J

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

① Examiner 9/26/04
LOCATION

+ TIME

+ USON DEVICE LOADING (HABITS)

+ USON PROFILE

→ CLAIM TOO BROAD "INFORMATION (POSITION)
INFORMATION"

→ SUGGESTION SPECIFICS ON ABOVE LISTED
GENERATION OF "FACTUAL" POSITION
INFO.

Office Action Summary

Application No.

09/805,310

Applicant(s)

SRINIVASAN ET AL.

Examiner

Blane J Jackson

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 24 May 2004 have been fully considered but they are not persuasive. The applicant states that there is no disclosure in Glorikian that the information conveyed to a user of the system is based on anything other than geographic location and that it is left up to the user of the system to pursue the geographic based information and determine what information, if any, is of interest to the user. However, Glorikian uses a visit to Williamsburg as an example to use the system where in addition to tourist information at specific places (column 5, line 57 to column 6, line 29), inferred information in the form of advertisements are also provided to the mobile user as in "The traveler visiting Colonial Williamsburg may be presented with availability of overnight accommodations, restaurants and the like in the immediate vicinity of Colonial Williamsburg." Glorikian teaches two embodiments where the Internet appliance user is provided a cache of information to be accessed by the appliance user (column 10, lines 47-62) or the information is freely pushed (column 10, lines 34-46 and to distinguish the two approaches, column 10, line 63 to column 11, line 6). This position is repeated in the final rejection that follows.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Glorikian (U.S. Patent 6,343,317).

As to claim 1, Glorikian teaches a method of communicating inferred information to a wireless communication device user comprising:

determining a location of the wireless device (figures 1 and 2, a cell phone with a GPS receiver and display, column 5, lines 26-42),

inferring a likely interest of the user from the location of the wireless device (inferred interest based on the location of the tourist of a walking tour, column 5, line 57 to column 6, line 29),

transmitting data related to the inferred interest to the wireless device (inferred interest to a specific location, column 5, line 57 to column 6, line 28, and inferred based

on a region, advertisement information freely pushed or controlled and accessed by the Internet appliance user, column 10, line 34 to column 11, line 6).

As to claim 2, Glorikian teaches that the device user may be presented with the availability of overnight accommodations, restaurants and other location and time dependent services (column 10, lines 34-46).

As to claims 3 and 4, Glorikian teaches the information service infers information likely to be of interest to the device user based on the time and the device user's specific location, movement direction and rate of location change where (column 5, line 56 to column 6, line 29).

As to claim 5, Glorikian teaches a method of communicating inferred information to a wireless device user comprising:

determining time at the wireless device,

inferring a likely interest of the user from the time at the wireless device,

transmitting data related to the inferred interest to the wireless device (tracking the user's position and knowing where the user will be, such as a museum to provide special offers, services or arrangements, the client's timed based potential needs at the museum is the inferred timely information, column 11, lines 7-29).

As to claim 6, Glorikian teaches inferring includes inferring information of interest to the4 wireless communication device based on information received from another wireless communication device (advertiser's to provide timely information to the system, column 11, lines 7-16).

As to claim 7, Glorikian teaches an information service that wirelessly connects the device user (subscriber) with a wireless network with access to the information over the Internet (figure 1, column 3, lines 31-53). Glorikian discloses that the user device includes GPS circuitry to report location information to the service with the information/service request, the first (wireless) signal by the device user. Glorikian further teaches reviewing the location based information in consideration of the approximate location and using an optionally determined need to generate a recommendation to be transmitted to the user and transmitting the recommendation via the second signal transmitting means (column 11, lines 17-29).

As to claim 8, Glorikian teaches the method of claim 7 further comprising determining from the first signal a need of the user for a product or service (location indicates information needed, column 5, lines 57-64).

As to claims 9 and 10, Glorikian teaches the method of claim 7 comprising determining an approximate time to base a recommendation when the first signal was

sent (the GPS location information fixes when, where and where the user is likely to be located for specific and inferred information (column 11, lines 17-29).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

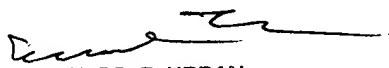
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J Jackson whose telephone number is (703) 305-5291. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (703) 305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJJ


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